

EXHIBIT 3

Brian Kehler vs.
Bridgestone Americas Tire Operations, LLC, et al.

Deposition of Brian Douglas Kehler
June 16, 2016

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF WYOMING

3
4 Case Number: 15-CV-127-J

5 _____
6
7 BRIAN KEHLER,

8
9 Plaintiff,

10
11 v.

12
13 BRIDGESTONE AMERICAS TIRE OPERATIONS,
14 LLC, COMMERCIAL TIRE, INC., and JOHN
15 DOE CORPORATIONS/ENTITIES 1-3,

16
17 Defendants.
18
19 _____

20
21 DEPOSITION OF BRIAN DOUGLAS KEHLER

22 June 16, 2016
23 _____
24
25

Brian Kehler vs.
Bridgestone Americas Tire Operations, LLC, et al.

Deposition of Brian Douglas Kehler
June 16, 2016

Page 2

1 APPEARANCES:

2 ON BEHALF OF THE PLAINTIFF:

SEAN J. GAMBLE, ESQ.

3 Friedman/Rubin

51 University Street, Suite 201

4 Seattle, Washington 98101

Phone: 206-501-4446

5 Email: sgamble@friedmanrubin.com

6 DIANA RHODES, ESQ.

Rhodes Law Firm, LLC

7 2015 Warren Avenue

Cheyenne, Wyoming 82001

8 Phone: 307-634-4444

Email: diana@drhodes.com

9

ON BEHALF OF THE DEFENDANT

10 BRIDGESTONE AMERICAS TIRE

OPERATIONS, LLC:

11 CHAD M. LIEBERMAN, ESQ.

Brosseau Bartlett Seserman, LLC

12 6455 South Yosemite Street, Suite 750

Greenwood Village, Colorado 80111

13 Phone: 303-812-1200

Email: clieberman@bbs-legal.com

14

ON BEHALF OF THE DEFENDANT

15 COMMERCIAL TIRE, INC.:

MONTY L. BARNETT, ESQ.

16 White and Steele, P.C.

600 17th Street, Suite 600N

17 Denver, Colorado 80202

Phone: 303-296-2828

18 Email: mbarnett@wsteele.com

19 ALSO PRESENT: Oscar Cobos

20

21

22

23

24

25

Brian Kehler vs.
Bridgestone Americas Tire Operations, LLC, et al.

Deposition of Brian Douglas Kehler
June 16, 2016

Page 3

1 PURSUANT TO NOTICE and the Federal Rules
2 of Civil Procedure, the deposition of BRIAN DOUGLAS
3 KEHLER, called by the Defendant Commercial Tire,
4 Inc., was taken on June 16, 2016, commencing at 9:01
5 a.m. at White and Steele, P.C. 600 17th Street,
6 Suite 600N, Denver, Colorado 80202, before William C.
7 Woods, a Registered Professional Reporter and Notary
8 Public in and for the State of Colorado.

9 I N D E X

10	EXAMINATION:	PAGE
11	By Mr. Barnett	4, 261
12	By Mr. Lieberman	219
13	EXHIBITS:	PAGE
14	K1 Hayes Chiropractic 2011 Update	179
15	K2 Cornerstone Records	186
16	K3 Utah Neurologic Clinic Record of 2/18/2016	210
17	K4 Photographs of Subject Blown-Out Tire	233
18	K5 Burningham Enterprise New Employee Video Questionnaire	254

21
22
23
24
25

Brian Kehler vs.
Bridgestone Americas Tire Operations, LLC, et al.

Deposition of Brian Douglas Kehler
June 16, 2016

Page 4

1 P R O C E E D I N G S

2 BRIAN DOUGLAS KEHLER,

3 having been first duly sworn, was examined and
4 testified as follows:

5 EXAMINATION

6 BY MR. BARNETT:

7 Q. Would you please state your name.

8 A. Brian Douglas Kehler.

9 Q. And your date of birth?

10 A. 12/29/1959.

11 Q. So that makes you, what, 56, 57?

12 A. Correct.

13 Q. Which one?

14 A. 56.

15 Q. 56. Do you still live at the 531

16 Grove--

17 A. 581 Grove Drive, Alpine, Utah 80004.

18 Q. Let me get my glasses on.

19 MR. GAMBLE: Let him finish his
20 question.

21 Q. (By Mr. Barnett) Let's start over.

22 Are you all right?

23 A. Yeah.

24 Q. Do you still live at the 581 Grove

25 Drive address?

Brian Kehler vs.
Bridgestone Americas Tire Operations, LLC, et al.

Deposition of Brian Douglas Kehler
June 16, 2016

Page 235

1 me.

2 Q. Let's clarify, then.

3 A. Yes.

4 Q. Have you ever seen a placard, sticker,
5 or other imprint on the tractor that was involved in
6 this crash that instructs a user of that tractor as
7 to the proper-sized tires for the tractor?

8 A. At that time, I didn't.

9 Q. The same question with respect to the
10 tire pressures.

11 A. I know the tire pressures, that I keep
12 them at 100 and 105.

13 Q. Why do you keep them at 100 and 105?

14 A. Because during the winter, they heat up
15 and they swell, so you want to give it room to
16 balloon up.

17 Q. Did you ever consult with any placard,
18 as I've defined it, on the vehicle for the
19 recommended tire pressures for the steer axle tires
20 prior to the crash?

21 A. I can't say that I did.

22 Q. Let's turn the page. It's another
23 photo still within the set that is K4. This
24 photograph is 1570002265. It's a side view of the
25 sidewall of the subject tire. It says, "V," as in

Brian Kehler vs.
Bridgestone Americas Tire Operations, LLC, et al.

Deposition of Brian Douglas Kehler
June 16, 2016

Page 236

1 Victor, dash "Steel Rib R283." Do those markings
2 mean anything to you?

3 MS. RHODES: What page number are you
4 on?

5 MR. BARNETT: 2265.

6 A. I see the "Steel Rib."

7 Q. (BY MR. LIEBERMAN) Does that mean
8 anything to you?

9 A. I'm not a tire expert.

10 Q. I understand that. Does that mean
11 anything to you?

12 A. No.

13 Q. What about the "R283," does that mean
14 anything to you?

15 A. No.

16 Q. Did you look at either of these
17 markings before the crash?

18 A. No.

19 Q. If we turn to the next page. Again,
20 it's within the set marked K4, photo 1570002272.
21 This is the close-up photo of the DOT number that
22 reads, "DOT 2C BT 3 WU 1314." Did I read that
23 correctly, Mr. Kehler?

24 A. Yes, you did.

25 Q. Does that mean anything to you?

Brian Kehler vs.
Bridgestone Americas Tire Operations, LLC, et al.

Deposition of Brian Douglas Kehler
June 16, 2016

Page 237

1 A. No.

2 Q. Can you determine the date of
3 manufacture from this DOT number?

4 MR. GAMBLE: Foundation objection.

5 A. I can't.

6 Q. (BY MR. LIEBERMAN) You cannot?

7 A. I cannot.

8 Q. Let's turn to the next page in Exhibit
9 K4. This is photo 1570002273. This is on the
10 sidewall of the subject tire, the stamp with a safety
11 warning. Have you ever seen the safety warning
12 before today, Mr. Kehler?

13 A. Yeah, I've seen this safety-- what's
14 your point?

15 Q. I'm sorry, did you say you have seen
16 the safety warning before today?

17 A. Yes, I have.

18 Q. Did you see the safety warning before
19 the crash?

20 A. No.

21 Q. Also on this same photo, there is a PSI
22 rating. It says, "Max Load Single," it lists
23 kilograms, it lists pounds, and then it lists, "110
24 PSI Cold." Do you see that?

25 A. Yes.

Brian Kehler vs.
Bridgestone Americas Tire Operations, LLC, et al.

Deposition of Brian Douglas Kehler
June 16, 2016

Page 238

1 Q. Did you ever see that marking before
2 the crash?

3 A. No.

4 Q. So when you tell me that you look at
5 the sidewall of the tire-- that you did look at the
6 sidewall of the tire before the crash, what you're
7 really telling me is that you're looking for
8 irregularities, bumps, scrapes, scratches, things
9 like that?

10 A. Correct.

11 Q. You weren't looking for particular
12 markings or warnings listed on the sidewall of the
13 tire, correct?

14 A. I would say that's probably fair.

15 Q. The last page of this K4 exhibit is
16 1570002280. And I apologize, the copy of that is
17 probably upside down. Right-side up, it says, "Made
18 In USA, UE26498-33." Did I read that correctly?

19 A. Read that again. "UE26498"--

20 Q. Uh-huh.

21 A. -- "33"?

22 Q. That's correct. Does that mean
23 anything to you?

24 A. No.

25 Q. Did you see that marking before the

1 CERTIFICATE OF DEPOSITION OFFICER

2 STATE OF COLORADO)

3 CITY AND COUNTY OF DENVER)

4 I, William C. Woods, a Registered
5 Professional Reporter and Notary Public within the
6 State of Colorado, commissioned to administer oaths,
7 do hereby certify that previous to the commencement
8 of the examination, the witness was duly sworn by me
9 to testify the truth in relation to matters in
10 controversy between the said parties; that the said
11 deposition was taken in stenotype by me at the time
12 and place aforesaid and was thereafter reduced to
13 typewritten form by me; and that the foregoing is a
14 true and correct transcript of my stenotype notes
15 thereof.

16 That I am not an attorney nor counsel
17 nor in any way connected with any attorney or of
18 counsel for any of the parties to said action nor
19 otherwise interested in the outcome of this action.

20 My commission expires: August 20,
21 2019.

22

23

24

25

WILLIAM C. WOODS
Registered Professional Reporter
Notary Public, State of Colorado